

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Andrew Gonzales, Associate Planner
DATE: June 23, 2010

SUBJECT: TEMPORARY USE PERMIT NO. 2010-001 (OCEAN VIEW FARMER'S MARKET)

LOCATION: 155 5th Street, 92648 (northeast corner of Pacific Coast Highway and 5th Street- The Strand)

Applicant: Iosefa Alofaituli, Oak View Renewal Partnership, P.O. Box 3476, Huntington Beach, CA 92605

Property Owner: Huntington Beach Union High School District, 5832 Bolsa Avenue, Huntington Beach, CA 92649

Request: To establish a farmer's market every Saturday between the hours of 9:00 AM and 1:00 PM within the north parking lot of Ocean View High School for a period of five years (2011-2015).

Environmental Status: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.

Zone: Public - Semipublic

General Plan: P(RL) [Public (School, Hospital, Church)]

Existing Use: Ocean View High School

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because the project involves the minor temporary use of land having no negligible or permanent impacts on the environment.

SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2010-001:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The temporary use permit will be compatible with the surrounding uses, and consistent with following General Plan Objective and Policies:

A. Land Use Element

Objective – LU 7.1: Accommodate the development of a balance of land uses that provides for the housing, commercial, employment, educational, cultural, and entertainment, and recreation needs of existing and future residents.

Policy – LU 13.1.1: Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan map in accordance with Policy LU 7.1.1.

B. Recreation and Community Services Element

Policy – RCS 7.1.1: Design recreation facilities and programs that are functional, efficient, and affordable

The temporary use permit will provide a balance of land uses by establishing a commercial/recreational/cultural use on a temporary basis adjacent to the local Oak View community. The farmer's market will provide an affordable option for the purchase of groceries within close proximity to the residents intended to be served by the project. Additionally the farmer's market intends to provide the community with nutritious and healthy eating options, in conjunction to fostering job growth and reinvesting market profits into the local community.

2. Approval of the application to permit a farmer's market located within the north parking lot area of Ocean View High School parking lot every Saturday, for a period of five years (2011-2015) will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The temporary use will not occur during the school operating hours or during other onsite activities. The market will be located more than 500 feet from the nearest sensitive land uses (i.e., residential). The market will be within walking distance to the Oak View neighborhood. In addition, parking for the event will be provided within the remaining school parking spaces located to the north and south of the site. The temporary nature of the market will not alter the subject site. No health impacts are anticipated because proper permits are required from the Orange County Health Care Agency's Department of Environmental Health prior to the market's commencement

SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2010-001:

1. The site plan received and dated April 6, 2010 shall be the conceptually approved design.
2. Prior to commencement of the use, the Planning and Building Department shall receive documentation from the applicant verifying approval from the Orange County Health Care Agency's Department of Environmental Health.
3. The use shall comply with the following:

- a. Only the uses described in the submitted narrative received and dated April 6, 2010, shall be permitted.
 - b. The operation of the farmer's market shall be limited to every Saturday between the hours of 9 AM and 1 PM for a period of five years (2011-2015).
 - c. All trash, debris and garbage, as well as special dumpsters, shall be removed from the site prior to closing the event.
4. The applicant shall ensure the clean-up of the adjacent streets of trash and debris associated with the use after the market closes.
5. In the event that there are any violations of the foregoing conditions of any violations of life and safety code, the market may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Planning and Building.
6. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing of any changes to the event. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
7. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.